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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

# Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of )

Amendment of the Commission's Rules )  
Regarding Multiple Address Systems )

WT Docket No. 97-81

To: The Commission

## COMMENTS OF WELLS RURAL ELECTRIC COMPANY

WELLS RURAL ELECTRIC COMPANY

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**COMMENTS  
OF  
WELLS RURAL ELECTRIC COMPANY**

Wells Rural Electric Company (Wells Rural), by and through its undersigned counsel and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission (FCC), 47 CFR § 1.415, hereby submits these Comments on the FCC's Notice of Proposed Rule Making in the above captioned proceeding.

**I. Statement of Interest**

1. Wells Rural Electric Company is a member-owned, not-for-profit electric utility providing electrical power to approximately 4,200 customers in northeast Nevada and a portion of Utah. Wells Rural's service territory includes three cities and covers 10,000 square miles. In support of its utility operations, Wells Rural has licensed a 900 MHz multi-point, SCADA system utilizing MAS frequencies in the 928/952/956 MHz bands. The system permits Wells Rural to conduct real-time, remote monitoring and control of its utility infrastructure. This

function is of particular importance to Wells Rural in light of its relatively small staff and limited resources. The use of SCADA technology enables Wells to carry out its activities with a level of safety and efficiency that would not otherwise be possible.

## **II. Discussion**

2. In light of the extraordinary importance of its SCADA system to its ongoing utility operations, Wells Rural wishes to comment on certain aspects of the FCC's Notice of Proposed Rule Making that bear upon its own internal MAS operations. Specifically, Wells Rural strongly supports the FCC in its tentative determination that the principal use of the 928/952/956 MHz bands is private in nature. Further, Wells Rural urges the FCC to adopt its conclusion that the 928/952/956 MHz band should be exclusively designated for private, internal use, with no further licensing by licensees seeking to provide subscriber-based services. These measures are necessary to ensure that private use MAS licensees can continue to carry out the important activities supported by their systems.

### **A. Spectrum Must be Designated for Internal, Private Operations**

3. As described above, Wells Rural is currently engaged in MAS operations in the 928/952/956 MHz bands that support its vital internal utility operations. Wells Rural supports the FCC's determination, as set forth in the Notice of Proposed Rule Making, that these bands are used "overwhelmingly for private

service."<sup>1/</sup> In light of this determination, Wells Rural submits that the FCC's proposal to designate the 928/952/956 MHz bands for exclusively private, internal use is the only logical result that can be reached in this proceeding.<sup>2/</sup>

4. Licensees such as Wells Rural rely heavily upon their MAS systems as a means of managing their operations with limited resources. The ability to operate an MAS system effectively is dependent upon the accessibility of spectrum suited to this purpose. The FCC's proposal with regard to the 928/952/956 MHz bands is the correct one. Permitting continued access to these bands by subscriber based providers would diminish the ability of private licensees to secure the spectrum required to operate reliable internal use systems.

**B. The FCC Should Maintain Site-by-Site  
Licensing of Spectrum in the 928/952/956 MHz  
Bands**

5. The FCC has solicited comment on whether geographic area licensing would be appropriate in the 928/952/956 MHz bands, even if it adopts its conclusion that the use of those bands is overwhelmingly private in nature. Wells Rural opposes geographic area licensing for these bands. As a preliminary matter, it is not clear how geographic licensing would be administered in connection with this spectrum. The FCC has tentatively determined that this spectrum is privately used and should remain

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<sup>1/</sup> Notice of Proposed Rule Making at 12.

<sup>2/</sup> Id. at 13.

that way. In any event, the spectrum will not qualify for award by auction under Section 309(j) of the Communications Act,<sup>3/</sup> and awarding the spectrum by another method, such as random selection, will do nothing to advance the FCC's goal of facilitating further development and implementation of MAS.<sup>4/</sup> Licensees serving there own internal needs generally must implement their systems in a deliberate, "as needed" fashion; most will not be in a position to buildout a geographic area system unless it would coincide with the licensee's own needs. Accordingly, granting this private use spectrum on a wide area basis will not serve any identifiable interest.

C. **Any Rules Adopted by the FCC Must Protect Existing Licensees Against the Possibility of Interference**

6. Wells Rural strongly supports the FCC's tentative determination to establish discrete spectrum bands for private and commercial use. In the event that the FCC determines to implement geographic licensing, on either a private or commercial basis in these bands, incumbents must be afforded protection from the possibility of interference to their operations by geographic licensees. In this connection, Wells Rural supports the FCC's proposal to apply the separation standards set forth in the Part 101 Rules to protection of incumbents.<sup>5/</sup>

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<sup>3/</sup> 47 U.S.C. Section 309(j) requires a finding that the principal use of the spectrum "will involve, or is reasonably likely to involve, the licensee receiving compensation from subscribers..."

<sup>4/</sup> Notice of Proposed Rule Making at 2.

<sup>5/</sup> Id. at 19.

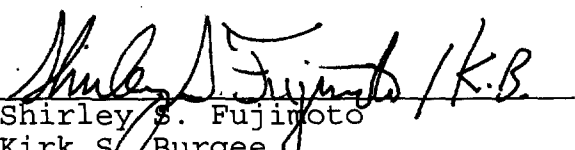
7. Wells Rural also requests that the FCC establish a procedural mechanism for resolving interference disputes. Under the proposal set forth by the FCC, geographic licensees in the commercial bands will be afforded considerable freedom to locate master stations within their Economic Area. If geographic licensing is applied to the private bands, it has the potential to result in significant co-channel interference to incumbents. In light of the crucial operations conducted by private use licensees, any compromise of their systems caused by interference must be addressed rapidly. A definitive procedure should be established for this purpose.

**WHEREFORE, THE PREMISES CONSIDERED,** Wells Rural Electric Company urges the Commission to consider these Comments and to proceed in a manner consistent with the views expressed herein.

Respectfully submitted,

**WELLS RURAL ELECTRIC COMPANY**

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